

REMARKS

I. Introduction

In response to the Office Action dated April 21, 2003, claim 14 has been amended, and new claims 25-66 have been added. Claims 1-66 are in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to claim 14 as indicated above. These amendments were made solely for the purpose of clarifying the language of the claim, and were not required for patentability or to distinguish the claim over the prior art.

Applicants' attorney has also added new dependent claims 25-66 as indicated above. These new dependent claims are similar to original dependent claims 2-22, except that they are dependent on claims 23 and 24, respectively, and are written in system and article formats.

III. Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Curley, "Royal Bank unearths profitability solution," (Curley).

Applicants' attorney respectfully traverses these rejections. Specifically, Applicants' attorney submits herewith Declarations under 37 C.F.R. §1.132 stating that the Curley reference comprises a description of the Applicants' invention. Consequently, the reference is not a proper citation under 35 U.S.C. §102/103. Thus, Applicants' attorney requests that the rejections of the claims be withdrawn.

IV. Requirement under 37 C.F.R. §1.105

In paragraph (4) of the Office Action, Applicants and the Assignee were required to provide information so that an analysis under 35 U.S.C. §102/103 could be ascertained. The Office Action implied that the analysis would be made with regard to the publication referenced above, namely Curley, "Royal Bank unearths profitability solution." The Office Action thus requested the following information: "1. The date of all pertinent information related and associated to/with the instant application's financial processing system regarding the account, event and organization attributes, along with the profitability calculations."

Applicants' attorney respectfully submits that the Declarations under 37 C.F.R. §1.132 moot this requirement, since the Curley reference is not a prior art reference.

In addition, Applicants' attorney respectfully submits that the request is unduly vague. For example, Applicants' attorney is unsure of what is being requested with regard to the "date of all pertinent information." It appears that this may be a request for a date of conception and/or reduction to practice of the Applicants' invention. If so, then the request is improper.

Finally, Applicants' attorney notes that the requested information cannot be characterized as falling within the categories of information enumerated in 37 C.F.R. §1.105(a)(1)(i)-(vii). Applicants' attorney also notes that the requested information cannot be characterized as falling within the boundaries set forth in M.P.E.P. §704.11(a). As a result, Applicants' attorney submits that the requested information is not reasonably required for examination.

In view of the above, Applicants' attorney requests that the requirement be withdrawn.

V. Drawing Objections

In paragraph (6) of the Office Action, the drawings were objected to under 37 C.F.R. §1.83(a) because they allegedly fail to show the net interest revenue (NIR) and other factors described in the specification.

Applicants' attorney traverses this objection, and notes that the Office Action admitted that FIG. 2 "cryptically" illustrates the factors, but made the objection nonetheless.

Applicants' attorney asserts that there is nothing "cryptic" about FIG. 2, that FIG. 2 shows the Net Interest Revenue (NIR) and other factors as admitted by the Office Action, that the objection is contradicted by this admission in the Office Action, and that the objection is erroneous.

For example, FIG. 2 is described at page 9, line 2 et seq., which includes the following:

Page 9, Line 2

FIG. 2 is a data flow diagram that illustrates the operation of the Value Analyzer Calculation Engine 104 according to the preferred embodiment of the present invention. Within the Value Analyzer Calculation Engine 104, one or more Profitability Calculations 200 accept a number of inputs including Account Attributes 202, Event Attributes 204, Organization Attributes 206, and Profit Factors 208. Thereafter, the Profitability Calculations 200 invoke one or more Rules 210 that generate the FFAPM 212, which in turn are used to create the Database 212. The Database 212 may be represented along account, event, or organization dimensions, or along other dimensions as may be required. These elements are described in more detail below.

The Profitability Calculations 200 are further defined at page 13, line 18 as including calculations for the Net Interest Revenue (NIR):

Page 13, Line 18

Profitability Calculations

The following describes the method used by the Profit Calculations 200:

1. Retrieve data from the RDBMS 106.
2. Calculate Net Interest Revenue for every account.
3. Calculate Other Revenue for every account.
4. Calculate Direct Expense for every account.
5. Calculate Indirect Expense for every account.
6. Calculate Risk Provision for every account.
7. Calculate Profit for every account.
8. Store the FFAPM Profit and the five factors of FFAPM into the RDBMS 106.
9. Aggregate and/or re-calculate the FFAPM Profit and the five factors of FFAPM as necessary.

Note that steps 2 through 6 perform account-level calculations. Steps 2, 3, 4, 5, and 6 can be performed independently and in parallel, while step 7 requires values derived in steps 2, 3, 4, 5, and 6, and therefore must be performed after steps 2, 3, 4, 5, and 6 are completed.

Moreover, the FFAPM 212 in FIG. 2 is defined at page 4, line 18 as including the Net Interest Revenue (NIR) and other factors:

Page 4, Line 18

The Value Analyzer is a data-driven computer-facilitated financial model that provides accurate and consistent profitability calculations using account, event and organization data stored in a relational database management system (RDBMS), wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status. The profitability calculations performed by the Value Analyzer rely on a Five Factor Atomic Profit Metric (FFAPM):

$$\begin{aligned}
 \text{Profit} &= \text{Net Interest Revenue (NIR)} \\
 &+ \text{Other Revenue (OR)} \\
 &- \text{Direct Expense (DE)} \\
 &- \text{Indirect Expense (IE)} \\
 &- \text{Risk Provision (RP)} \\
 &= \text{NIR} + \text{OR} - \text{DE} - \text{IE} - \text{RP}
 \end{aligned}$$

This definition is also supported at page 14, line 13:

Page 14, Line 13

The Profit Calculations 200 generate one or more values for the five factors of the FFAPM 212, and specifically, the NIR, OR, DE, IE, RP, and Profit values. These values are used to generate the output data 214, which can be stored by the RDBMS 106 in the relational database.

Finally, Block 414 of FIG. 4 also defines the Net Interest Revenue (NIR) and other factors:

Page 27, Line 1

Block 414 represents the Value Analyzer Calculation Engine 104 performing the invoked Profitability Calculations 200 using the account, event and organization attributes accessed from the RDBMS 106, as well as one or more profit factors and one or more rules. In this Block, the Profitability Calculations 200 include:

$$\begin{aligned}\text{Profit} &= \text{Net Interest Revenue (NIR)} \\ &+ \text{Other Revenue (OR)} \\ &- \text{Direct Expense (DE)} \\ &- \text{Indirect Expense (IE)} \\ &- \text{Risk Provision (RP)}\end{aligned}$$

wherein the Net Interest Revenue is calculated for every account, and represents a total interest made from all deposit and lending activities. Specifically, Block 414 calculates Net Interest Revenue (NIR) as:

$$\begin{aligned}\text{NIR} &= \text{Interest Revenue} \\ &- \text{Cost of Funds} \\ &+ \text{Value of Funds} \\ &- \text{Interest Expense.}\end{aligned}$$

Note that the Net Interest Revenue may also include earnings on allocated equity, which comprise earnings generated by lending funds from equity sources.

In view of the above, Applicants' attorney submits that the drawings comply with 37 C.F.R. §1.83(a), in that they show the Net Interest Revenue (NIR) and other factors described in the specification. Consequently, Applicants' attorney requests that the objection be withdrawn.

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.

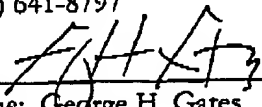
Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicants

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: July 21, 2003

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/amb

G&C 30145.397-US-01